



AF / 2837


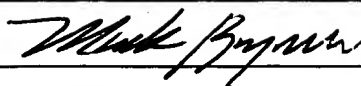
PTO/SB/21 (05-03)


Approved for use through 04/30/2003. OMB 0651-0031
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	Filing Date	April 17, 2001	
	First Named Inventor	MARK T. GROSS	
	Group Art Unit	2837	
	Examiner Name	Marlon T. Fletcher	
Total Number of Pages in This Submission	10	Attorney Docket Number	ITL-0556-US (P11214)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Mark J. Rozman, Reg. No. 42,117 TROP, PRUNER & HU, P.C.	
Signature		21906 PATENT TRADEMARK OFFICE
Date	August 26, 2003	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MARK T. GROSS § Group Art Unit: 2837
Serial No.: 09/836,686 §
Filed: April 17, 2001 §
For: CONTROLLING SHARING OF § Examiner: Marlon T. Fletcher
FILES BY PORTABLE DEVICES §
Atty. Dkt. No.: ITL-0556-US
(P11214)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

Applicant respectfully files this Reply Brief in response to the Examiner's Answer mailed on July 16, 2003.

I. REPLY

The Examiner concedes that Abecassis does not disclose a transfer count. Answer, p. 5. Nor does Abecassis suggest such a count.

Instead, the Answer contends that "Abecassis is relied upon by the examiner to show the transfer of files amongst portable devices as discussed in the office action, figures 1-3 of Abecassis provide portable devices which transfer files." Examiner's Answer, page 5. Applicant respectfully disagrees, as the multimedia player of FIG. 1 of Abecassis is not indicated as being portable. This is especially so as it includes a multidisk module (e.g., multi-disk DVD read/write drive 101), fixed storage, removable storage, a power supply, and the like. More so, Abecassis notes that the multimedia player of FIG. 1 is analogous to a personal computer.

Date of Deposit: August 26, 2003

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Jennifer Juarez

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Abecassis, col. 8, lns. 26-40. Further, with respect to FIG. 3 of Abecassis, shown is a remote control for the multimedia player, not a portable device that transfers files. Thus, nowhere does Abecassis teach or even suggest transferring files from a first portable device to a second portable device. Further, as conceded by the Examiner, Abecassis nowhere teaches a transfer count indicative of the number of times the second portable device may transfer the files, as recited by claim 10.

With respect to Berstis, nowhere does Berstis teach or suggest transmitting a transfer count that is “indicative of the number of times [a] second portable device may transfer [a] music file to one or more devices” as recited by claim 10. In this regard, Berstis merely teaches a count that indicates the number of times a source device can transfer a file. That is, nowhere does Berstis teach or suggest a transfer count that is actually transmitted to a second device to control transfer of a music file therefrom. In this regard, none of the portions of Berstis cited in the Answer (see Examiner’s Answer, p. 6) disclose or suggest sending a transfer count to a target device indicative of a number of times a target device may transfer a file transmitted to it.

Thus the combination of Abecassis and Berstis does not teach or suggest a method in which a music file is transferred to a second portable device from a first portable device, and transferring to the second portable device a preselected transfer count “indicative of the number of times the second portable device may transfer the music file to one or more devices.” Thus claims 10-16 are patentable.

Regarding claims 23 and 24, for the same reasons discussed above, the combination of Abecassis and Berstis do not teach or suggest a controller to transmit a music file from a first portable music player to a remote portable music player and to transmit therewith “an indication to the remote portable music player indicating the number of times the remote portable music

player may transfer the transmitted file.” That is, neither reference teaches or suggests transmitting an indication to a remote music player along with a music file to indicate how many times the remote music player may transfer the file. Thus claims 23 and 24 are patentable.

Finally with regard to claim 25, the Examiner’s Answer can point to no teaching or suggestion in either reference for transmission of files to a Secure Digital Music Initiative compliant music player. Because neither reference even remotely suggests use of such a particular type of music player, claim 25 is patentable.

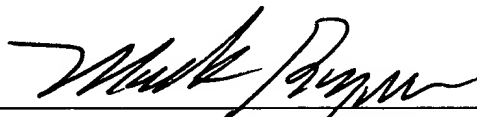
For the reasons set forth above and as further set forth in Applicant’s Appeal Brief, claims 10-16 and 23-25 are patentable over the combination of Abecassis and Berstis.

II. CONCLUSION

For the reasons set forth herein, as well as set forth in the Appeal Brief, Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: August 26, 2003



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